

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

State of Oklahoma, ex rel. W.A. Drew)	Case No. 4:05-CV-00329-TCK-SAJ
Edmondson, in his capacity as Attorney)	
General of the State of Oklahoma and)	
Oklahoma Secretary of the Environment)	
C. Miles Tolbert, in his capacity as the)	
Trustee for Natural Resources for the)	
State of Oklahoma,)	
)	
Plaintiff,)	
)	
v.)	
)	
Tyson Foods, Inc., Tyson Poultry, Inc.,)	
Tyson Chicken, Inc., Cobb-Vantress, Inc.,)	
Aviagen, Inc., Cal-Maine Foods, Inc.,)	
Cal-Maine Farms, Inc., Cargill, Inc.,)	
Cargill Turkey Production, LLC,)	
George's, Inc., George's Farms, Inc.,)	
Peterson Farms, Inc., Simmons Foods, Inc.,)	
and Willow Brook Foods, Inc.)	
)	
Defendants.)	
)	

**CARGILL, INC.'S ANSWERS TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

GENERAL OBJECTIONS

A. Definitions: Cargill, Inc. objects to certain of the words and phrases used by Plaintiff in its interrogatory as overbroad and unduly burdensome. Such objection includes, but is not limited to, Plaintiff's definition of "Cargill, Inc.," "You" and "Your" to include "Contract Growers" and "subsidiaries," each of which are independent individuals or entities not a party to this action. Whenever Plaintiff uses the phrases "Cargill, Inc.," "You" or "Your," Cargill, Inc. will interpret the phrases to refer only to the named defendant, Cargill, Inc., its employees, agents, and divisions. This objection also includes Plaintiff's definition of Illinois River Watershed ("IRW") to the extent that it includes "groundwater" or "indirect" flow of water to the Illinois River.

B. Privileges: Cargill, Inc. objects to Plaintiff's interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible

EXHIBIT

evidence to the extent that it seeks to invade information or documents protected by the attorney-client, work product, self-evaluative, or joint defense privileges.

C. Scope; date and geographic range: Cargill, Inc. objects to the absence of any reasonable limit to date range and geographic scope in this interrogatory as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Such objection includes but is not limited to the facts that, as currently phrased, Plaintiff's interrogatory purports to (1) seek information or documents prior to 2002, which Cargill, Inc. understands to be the earliest time period allowed by the statutes of limitation applicable to Plaintiff's claims and (2) place upon Cargill, Inc. a continuing burden to "supplement" its answers for all of its future poultry growing operations, if any, in a manner that is inconsistent with the meaning and intent of Fed.R.Civ.P. 26(e). This objection also includes Plaintiff's attempt to unilaterally expand the scope of watersheds and drainage basins to include groundwater and/or indirect runoff.

D. Option to Produce Documents: Pursuant to Federal Rule of Civil Procedure 33(d), Cargill, Inc. further objects to this interrogatory to the extent that it requires Cargill, Inc. to distill and summarize information contained in documents, the burden of which would be no greater to the Plaintiff than it would be to Cargill, Inc.. To the extent information can be fairly gleaned by the Plaintiff through document production, Cargill, Inc. may exercise the option to produce documents in lieu of responding otherwise to the interrogatory.

E. No waiver of objection or admissibility: In responding to this interrogatory, Cargill, Inc. is asked for and supplies information regarding the existence and location of various documents or other information. In responding to this inquiry, Cargill, Inc. is not waiving future objections to either production in discovery or admissibility at trial of any document or information supplied or referred to in discovery.

F. Continuing discovery: In responding to this interrogatory, Cargill, Inc. has supplied all information and documents known to it at this time after a reasonable inquiry. However, discovery is continuing. Should future discovery reveal any further information or documents as to the matters at issue herein, Cargill, Inc. will supplement its answers as necessary in accordance with the Federal Rules of Civil Procedure.

Without waiving the foregoing objections, but hereby incorporating each of them by reference in the specific answers as if fully set forth therein, and subject thereto, Cargill, Inc. further states and alleges as follows:

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: For each of your poultry growing operations in the IRW since 1952, please provide the following information:

- a. name and physical location of the operation;
- b. dates of operation;
- c. type of operation (breeder, broiler, layer, etc.);
- d. number of birds (aggregated annually) at each location; and
- e. name of the owner and operator.

ANSWER: Cargill, Inc. objects to this interrogatory as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it: seeks information outside the time period 2002 to 2004 (when Cargill ceased poultry production operations); seeks information for an unspecified future time period that has no end or limit; would require "supplementation" in a manner inconsistent with the meaning and intent of Fed.R.Civ.P. 26(e); seeks production of information from individuals or entities other than Cargill, Inc., the named Defendant in this action; and seeks to define the IRW as including groundwater and/or indirect runoff. Moreover, Cargill, Inc. objects specifically to subsection (d) of this interrogatory as vague and ambiguous and to the extent that it seeks confidential and proprietary trade secret or business information without entry of an appropriate confidentiality and protective order.

Subject to and without waiving these objections, Cargill, Inc.'s answers to Interrogatory No. 1 subsections (a), (b), (c) and (e) are produced herewith in the document bates numbered CAR000001-2.

With regard to Interrogatory No. 1 subsection (d), Cargill, Inc. states that, during the time it was engaged in poultry production, it did not track on an aggregated annual basis the number of "birds" at any particular farming location in any particular year. To the extent that Plaintiff seeks the number of turkey poult placed by Cargill, Inc. at each growing location identified in subsection (a) above in any given year, this information may be as easily derived by Plaintiff as by Cargill, Inc. from Cargill, Inc.'s Actual Poult Placement Reports and Breeder Poult Placement Reports. Pursuant to Fed.R.Civ.P. 33(d), Cargill, Inc. will produce upon entry of a mutually agreeable confidentiality and protective order all such Reports for its former growers in the IRW from 2002 to 2004.

CORPORATE VERIFICATION

H. Steven Willardsen, President, Cargill Turkey Production, LLC, a wholly owned subsidiary of Cargill Meat Solutions Corporation, which is a wholly owned subsidiary of Cargill, Inc. states that he is an authorized signatory of Defendant Cargill, Inc. in the above-titled action; that he signs the foregoing Answers to Plaintiffs' First Set of Interrogatories for and on behalf of Defendant Cargill, Inc. and is duly authorized to do so by Cargill, Inc.; that certain of the matters stated in the foregoing Answers to Plaintiff's First Set of Interrogatories are not within his personal knowledge; that he is informed that there is no Officer or Managing Agent of Defendant Cargill, Inc. who has personal knowledge of all such matters; that the facts stated in said Answers have been assembled by authorized employees of Cargill Turkey Production, LLC and counsel of Defendants Cargill Turkey Production, LLC and Cargill, Inc.; and that he is informed that the facts stated in the foregoing Answers are true and correct.

Dated: May 22, 2006

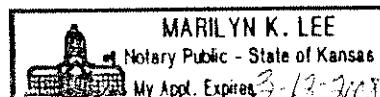
Cargill, Inc.



H. Steven Willardsen
President, Cargill Turkey Production, LLC
Authorized signatory for Cargill, Inc.

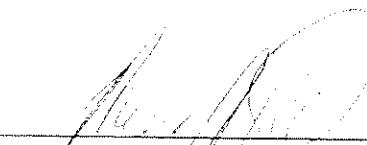
Subscribed and sworn to before me
this 22nd day of May, 2006.

Marilyn K. Lee
Notary Public



Dated: May 23, 2006

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CERTIFICATE OF SERVICE

I, hereby certify that on this 23rd day of January, 2006, I caused to be emailed a true and correct copy of the within and foregoing instrument to:

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I also hereby certify that I have this 23rd day of November, 2006, mailed a true and correct copy of the above and foregoing document with proper postage prepaid thereon to:

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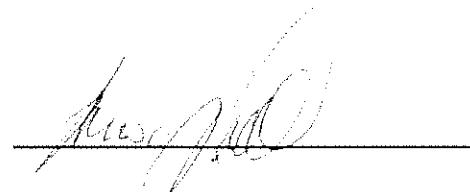
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Cargill, Inc. Illinois River Watershed Growers

	Name of Operation	Name of Owner	Name of Operator	Address	City, State, Zip	Type of Operation	Dates of Operation
1	Aday Farm	Aday, Ron & Kathy	Aday, Ron & Kathy	12791 Baker Mountain P.O. Box 902	Prairie Grove, AR 72753 Lincoln, AR 72744	Commercial Production Commercial Production	1988 to 4/27/04 2000 to 4/27/04
2	Bickford Farm	Bickford, Rick	Bickford, Rick	14155 Galleay Hollow Road	Siloam Springs, AR 72761	Breeder	1986 to 4/27/04
3	Breeder Farm #1	Cargill Turkey Production	Delap, Charlie	13823 Galleay Hollow Road	Siloam Springs, AR 72761	Breeder	1986 to 4/27/04
4	Breeder Farm #2	Cargill Turkey Production	Delap, Charlie	14646 Turkey Road	Siloam Springs, AR 72761	Breeder	1988 to 4/27/04
5	Breeder Farm #3	Cargill Turkey Production	Delap, Charlie	14650 Turkey Road	Siloam Springs, AR 72761	Breeder	1987 to 4/27/04
6	Breeder Farm #4	Cargill Turkey Production	Delap, Charlie	13792 Cowan Road	Gentry, AR 72734	Breeder	1990 to 4/27/04
7	Breeder Farm #5	Cargill Turkey Production	Delap, Charlie	19361 Bill Young Road	Siloam Springs, AR 72761	Breeder	1993 to 4/27/04
8	Breeder Farm #6	Cargill Turkey Production	Delap, Charlie	11488 S. Brugance Rd.	Gentry, AR 72734	Commercial Production	1993 to 4/27/04
9	Brigance Farm	Brigance, Ed	Gibbs, Dorien	9301 E. Brown Rd.	Lowell, AR 72745	Commercial Production	1996 to 4/27/04
10	Circle G Farms	Crockett, Gary	Crockett, Gary	19889 Fisher Ford Rd. Rt. 3, Box 1280	Siloam Springs, AR 72761 Stillwell, OK 74960	Commercial Production Commercial Production	1987 to 4/27/04 1979 to 4/27/04
11	Crockett Farm	Doyle, Ernest	Doyle, Ernest	10908 Ruby Hall Rd.	Gentry, AR 72734	Commercial Production	1991 to 4/27/04
12	Doyle Farm	Turner, John	Turner, John	18951 Shady Grove Rd.	Siloam Springs, AR 72761	Commercial Production	1989 to 4/27/04
13	Eagleview Farm	Roberts, Nolan & Joan	Roberts, Nolan & Joan	13932 S. Ark Hwy. 265	West Fork, AR 72774	Commercial Production	1990 to 4/27/04
14	Fairmount Farms	Findahl, Norman	Findahl, Norman	20216 E. 660 Rd.	Tahlequah, OK 74464	Commercial Production	1975 to 4/27/04
15	Findahl Farm	Fisher, Gary	Fisher, Gary	4002 Grimsley Rd	Springdale, AR 72752	Commercial Production	1989 to 4/27/04
16	Fisher Farm	Fong, Peter	Fong, Peter	4210 Ginn Rd.	Bentonville, AR 72712	Commercial Production	1987 to 4/27/04
17	Fong Farm	Ginn, Barbara	Ginn, Barbara	16082 Greasy Valley	Prairie Grove, AR 72753	Commercial Production	1972 to 4/27/04
18	Ginn Farm	Haegle, George	Haegle, George	4053 Hwy. 10	Kansas, OK 74347	Commercial Production	1976 to 4/27/04
19	Habbel's Farm	Schwabe, Robert	Schwabe, Robert	3977 Habertin Rd.	Springdale, AR 72764	Commercial Production	1987 to 4/27/04
20	Hill Haven Farm	Horn, Lonn & Barbara	Horn, Lonn & Barbara	52838 S. 680 Rd.	Colcord, OK 74338	Pre-Production Breeder	1987 to 4/27/04
21	Horn Farm	Hurt, Greg & Jean	Hurt, Greg & Jean	19298 McCarber Rd.	Lincoln, AR 72744	Commercial Production	2000 to 4/27/04
22	Hurt Farm	Blankenship, Jamie	Blankenship, Jamie	1549 Reed Valley Rd.	Fayetteville, AR 72704	Commercial Production	1972 to 4/27/04
23	J & C Farm	Reed, Jim	Reed, Jim	P.O. Box 9106	Fayetteville, AR 72703	Commercial Production	2003 to 4/27/04
24	J & J Farm	Hancock Holdings	Fisher, Robert	9020 Mason Valley Road	Bentonville, AR 72712	Pre-Production Breeder	2003 to 4/27/04
25	Kings Ranch	Lester, Tracy	Lester, Tracy	Rt. 2, Box 240	Westville, OK 74965	Commercial Production	1975 to 4/27/04
26	Lester Farm	Masters, Clyde & Helen	Masters, Clyde & Helen	23442 Ballard Creek	Summers, AR 72769	Commercial Production	1992 to 4/27/04
27	Masters Farm	Ramsey, Scott & Michelle	Ramsey, Scott & Michelle	18951 Shady Grove Rd.	Siloam Springs, AR 72761	Commercial Production	1986 to 4/27/04
28	Ramsey Farm	Roberts, Nolan & Joan	Roberts, Nolan & Joan	21418 Shady Grove Rd.	Siloam Springs, AR 72761	Commercial Production	2001 to 4/27/04
29	Roberts Farm	Vanetta, Richard	Vanetta, Richard	Rt. A, Box 960	Watts, OK 74964	Commercial Production	1977 to 4/27/04
30	Rockin V Ranch	Rucker, D.R.	Rucker, D.R.	12253 Clyde Carnes	Farmington, AR 72730	Commercial Production	1991 to 4/27/04
31	Rucker Farm	Sweatngen, Charles & Sara	Sweatngen, Charles & Sara	13443 Bradley Ln.	Prairie Grove, AR 72753	Commercial Production	1989 to 4/27/04
32	Sweatngen Farm	Home, Travis & Gwen	Home, Travis & Gwen	13499 Bradley Ln.	Prairie Grove, AR 72753	Commercial Production	1989 to 4/27/04
33	T & G Farm	Thomas, Ken & Donna	Thomas, Ken & Donna	579 Ford Ln.	Lowell, AR 72745	Commercial Production	1995 to 4/27/04
34	Thomas Farm	Bush, Darrel					
35	Turkey Ridge Farm						

Cargill, Inc. Illinois River Watershed Growers

36 V.O. Farms	Cluck, Otis & Virginia Wallace, Owen & Carol	Cluck, Otis & Virginia Wallace, Owen & Carol	10390 N. Ark. Hwy. 59 14030 Kettle Springs	Summers, AR 72769 Prairie Grove, AR 72753	Commercial Production 1988 to 4/27/04 1985 to 4/27/04
37 Wallace Farm	Wilmoth, Donny	Wilmoth, Donny	22157 Davidson Rd.	Siloam Springs, AR 72761	Commercial Production 1999 to 4/27/04
38 Wilmouth Farm					